

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CAPTAIN DARRELL G. OBER</b>	)	<b>NO. 04-CV-1669</b>
	)	
<b>Plaintiff</b>	)	
	)	
<b>VS.</b>	)	<b>(Judge Conner)</b>
	)	
<b>COMMISSIONER JEFFREY B.</b>	)	
<b>MILLER et al.</b>	)	
	)	
<b>Defendants</b>	)	<b>Jury Trial Demanded</b>

**VIDEO DEPOSITION OF CHARLES SKURKIS**  
**Held on March 8, 2005**

**APPEARANCES:**

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## Deposition of Major Charles Skurkis

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1 the Pennsylvania State Police were  
2 having with lawsuits by Don Bailey  
3 did that arise during the meeting at  
4 all?

5 A: No sir.

6 Q: Was there any  
7 discussion of the issue of; of an  
8 issue of the "Evans" related matter  
9 discussed during the meeting?

10 A: I don't believe so.

11 Q: Was there any general  
12 discussion of the PSP's public image  
13 problems or these issues having to do  
14 with sexual abuse. Was that  
15 discussed at all. In general; in a  
16 general context?

17 A: There was. I believe  
18 Colonel Miller in explaining the  
19 creation of the new position of  
20 Deputy of Professional Responsibility  
21 indicated that in concert with the  
22 Kroll overseeing the Pennsylvania  
23 State Police that would more; allow  
24 for more time for the agency to deal  
25 with Kroll. In other words have a

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1 representative basically dedicated to  
2 assist Kroll in their overseeing of  
3 the department, monitoring of the  
4 department and that would be vested  
5 in the Deputy Commissioner of  
6 Professional Responsibility.

7 Q: Was there any  
8 discussion of the complaint process  
9 in sexual harassment cases during  
10 that meeting?

11 A: No sir.

12 Q: Did you ever have any  
13 discussions with Lieutenant Colonel  
14 or with previously when he was Major  
15 Brown or with Colonel Miller, either  
16 one of those two at any time about  
17 the complaint process of the  
18 Pennsylvania State Police in sexual  
19 harassment cases?

20 A: Colonel Brown I am  
21 sure I did yes. Colonel Miller if  
22 you are talking about his capacity as  
23 commissioner I don't believe.

24 Q: Is it your  
25 understanding as we sit here today

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1 that a sexual harassment complaint in  
2 the Pennsylvania State Police does  
3 not require for purposes of follow up  
4 a formal complaint or a written  
5 procedure is that correct?

6 A: I don't really  
7 understand the question.

8 Q: Let me rephrase it.  
9 Is it your understanding with the  
10 Pennsylvania State Police today that  
11 a written complaint verification form  
12 is required in order to begin an  
13 investigation in a sexual harassment  
14 case?

15 A: Is required?

16 Q: Yes?

17 A: No, it's actually my  
18 understanding that it is not  
19 required.

20 Q: Okay. When did that  
21 policy change if indeed it ever  
22 changed?

23 A: I don't know if it  
24 ever changed. As far, as long as I  
25 can recall and I have been involved

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1 with the Bureau of Professional  
2 Responsibility since its inception in  
3 86; we have always treated sexual  
4 harassment as a serious issue. And  
5 albeit there are procedures for  
6 people to fill out worksheets and to  
7 fill out verification forms in the  
8 cases of very serious misconduct. If  
9 a victim or an individual that had  
10 knowledge of such an episode did not  
11 fill out the proper paper that would  
12 not curtail any further investigative  
13 effort.

14 Q: And that has been that  
15 way since the 80's and I will agree  
16 that state; when I; by the way to let  
17 you know where I am going on this, I  
18 want to ask about these procedures  
19 because I want to tie it in with  
20 those procedures having to do with  
21 Darrell Ober and so you know where I  
22 am coming from in the initiation of  
23 the investigations into his sharing  
24 information with me which became, you  
25 know which he is being disciplined

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Exhibit "A"  
142 pages

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## Deposition of Major Charles Skurkis

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1 for; and we will get into that; I  
 2 will ask you about that. I want to  
 3 look at; it is very important and  
 4 what I am trying to establish is a  
 5 foundation or basis on how complaints  
 6 are processed. So I want to go from  
 7 the least which is a; my  
 8 understanding is that the  
 9 Pennsylvania State Police practice  
 10 and I have questioned Mr. Evanko on  
 11 this also, is that the Pennsylvania  
 12 State Police is if somebody makes an  
 13 allegation of sexual misconduct or  
 14 harassment particularly by a  
 15 supervisor that you don't have  
 16 initiate by a formal complaint there  
 17 is a duty to follow up. Is that  
 18 correct, of the department to follow  
 19 up on it?

20 A: If it is brought to  
 21 the department's attention, yes there  
 22 is an.

23 Q: Well for example, if  
 24 it is brought to the attention of; if  
 25 it were brought to your attention I

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1 am sure you would do something about  
 2 it; I have no reason to believe you  
 3 wouldn't. If it were brought to;  
 4 let's say you have a I don't know  
 5 what you would call it; sort of an  
 6 EEO kind of a lawsuit; Virginia Smith  
 7 Elliot is the one who comes to mind,  
 8 that type of person and Mr. Evanko  
 9 himself is always very prompt on  
 10 these things. The issue though is  
 11 that if those things are brought to  
 12 your attention a persons does not  
 13 have to file a formal complaint.  
 14 There is a duty to follow up or at  
 15 least there was a practice to follow  
 16 up by the Pennsylvania State Police  
 17 am I correct?

18 A: I would say if  
 19 credible information is brought to  
 20 the attention of the department  
 21 regarding a complaint tenement to  
 22 sexual harassment, yes, that would be  
 23 followed up to some degree.

24 Q: Without a formal  
 25 complaint being filed. A piece of

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1 paper?  
 2 A: I don't know what the  
 3 formal complaint.

4 Q: I don't either?

5 A: I mean I don't know.

6 Q: A form being filed.  
 7 Like a complaint verification form,  
 8 that type of thing. Is that  
 9 necessary in a sexual harassment  
 10 case?

11 A: No.

12 Q: Now what I am going to  
 13 do after this and I am going to go to  
 14 categories like public corruption.  
 15 See what your policy is and how it  
 16 varies if indeed it does okay?

17 A: Um hum.

18 Q: Because I am going to  
 19 get at practices and policies as  
 20 regards to processing of complaints  
 21 okay. Because we have questions and  
 22 we have raised them in the complaint  
 23 so you know where I am coming from  
 24 here. Now the process behind the  
 25 investigation into Darrell Ober

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1 and/or whether there was an  
 2 investigation into Colonel Miller as  
 3 a result of his complaints. That's  
 4 where I am going to go with this. So  
 5 again, let's begin with a category  
 6 and I am going to ask you questions  
 7 if there are different categories at  
 8 how these things are treated. Now as  
 9 it relates to sexual harassment and  
 10 if I understand your testimony  
 11 correctly a formal complaint or a  
 12 formal written complaint was not a  
 13 requirement in state police  
 14 procedures going back as far as 1986  
 15 when you were and I think you  
 16 referred to it as a "serious  
 17 allegation" or serious information  
 18 about sexual harassment was brought  
 19 up?

20 A: That's correct.

21 Q: Okay, let's move the  
 22 category over and let's go to public  
 23 corruption okay. If a person within  
 24 the Pennsylvania State Police has  
 25 reason to believe that a fellow PSP

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